

Remarks

Applicants submit this Amendment and Response to Office Action in response to the Office Action mailed March 13, 2006.

Election

Applicants hereby elect Group I, Claims 1-35 and 65-84, for further prosecution in the above-identified application with traverse. This election is made with traverse on the grounds that it would not be unduly burdensome for the Examiner to conduct a search on all of the pending claims. For example, Applicants respectfully submit that in searching for prior art related to Group I, the Examiner may locate prior art related to Group II. For these reasons, Applicants submit that the search and examination of the entire application could be made without serious burden. See MPEP § 803 (“If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.”).

As Applicants have made the election and adequately traversed the restriction requirement, Applicants will not address the Examiner’s assertion that “the apparatus as claimed can be used to practice another and materially different process, such as coating non-edible materials with paint[.]”¹ or other statements in the Office Action. Applicants reserve the right to address these statements in subsequent actions.

¹ Office Action, mailed March 13, 2006, p. 2.

35 U.S.C. 112, second paragraph – Claims 1-35 and 65-84

The Office Action rejects claims 1-35 and 65-84 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As suggested by the Office Action, Applicants have amended claims 1-35 and 65-84 to set forth an “apparatus” rather than a “product.” Accordingly, Applicants respectfully request that this rejection be withdrawn.

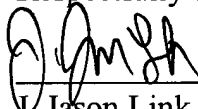
A favorable Office Action is respectfully solicited. The Examiner is respectfully invited to contact the undersigned to discuss any matter relating to this application.

Date: _____

April 13, 2006

KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
(336) 607-7300

Respectfully submitted,



J. Jason Link

Reg. No. 44,874